

**Manitoba Small Claims Court**  
**Sample Claims/Counterclaims**

**Sample 1 – claim by two individual claimants against two individual defendants**

You and your husband purchased a house and have discovered water entering the basement through a large crack in the foundation. Before you signed the offer to purchase, the sellers' agent told your agent that the basement was dry.

You want to claim against the sellers for the cost of waterproofing the cracked foundation wall.

FILE NO. S/C 11-01-00001

**THE QUEEN'S BENCH**

Winnipeg Centre

**(Form 76A)**

BETWEEN:	John Dough 123 Main Street Winnipeg, MB R1A 2B3	AND	Jane Dough 123 Main Street Winnipeg, MB R1A 2B3
			claimants

-and-

	Holly Daie 456 Any Avenue Winnipeg, MB R2B 3C4	AND	Summer Daie 456 Any Avenue Winnipeg, MB R2B 3C4
			defendants

**SMALL CLAIM**

**Manitoba Small Claims Court**  
**Sample Claims/Counterclaims**

**Sample 2(a) – claim by an individual against a corporation**

You hired a roofing company to repair your roof after a hail storm. The roofing company carries on business under the name "Rainy's Roofing." The roof leaks after the repair and you want to make a claim against the roofing company.

You have done a Companies Office search and found out that the roofing company is incorporated and its corporate name is "Rainy's Roofing (1998) Inc."

FILE NO. S/C 11-01-00002

**THE QUEEN'S BENCH**

Winnipeg Centre

**(Form 76A)**

BETWEEN: Theodore E. Behr  
789 Main Street  
Winnipeg, MB  
R1A 2B3

claimant

-and-

Rainy's Roofing (1998) Inc.  
c.o.b. as Rainy's Roofing  
111 Industrial Park  
Winnipeg, MB  
R2F 1G2

AND

Rainy's Roofing  
111 Industrial Park  
Winnipeg, MB  
R2F 1G2

defendants

**SMALL CLAIM**

**Manitoba Small Claims Court**  
**Sample Claims/Counterclaims**

**Sample 2(b) – Counterclaim by a corporation against an individual**

As in Sample 2(a), you are the defendant corporation that repaired the claimant's roof. The claimant put a stop payment on his cheque so you have not been paid for the work you did. You file a Counterclaim ([Form 76E](#)) against the claimant for the amount of the invoice.

The Counterclaim is filed on the same file as the Small Claim. The claimant remains the claimant and the defendants remain the defendants.

FILE NO. S/C 11-01-00002

**THE QUEEN'S BENCH**

Winnipeg Centre

**(Form 76E)**

BETWEEN: Theodore E. Behr  
789 Main Street  
Winnipeg, MB  
R1A 2B3

claimant

-and-

Rainy's Roofing (1998) Inc.  
c.o.b. as Rainy's Roofing  
111 Industrial Park  
Winnipeg, MB  
R2F 1G2

AND

Rainy's Roofing  
111 Industrial Park  
Winnipeg, MB  
R2F 1G2

defendants

**COUNTERCLAIM**

**Manitoba Small Claims Court**  
**Sample Claims/Counterclaims**

**Sample 3 – claim by a corporation against an individual carrying on business as a sole proprietor**

Your company supplies plumbing products to plumbers and their businesses. In an application for credit, a plumbing business's owner gave a personal guarantee in writing to be responsible for paying his business's accounts.

You have done a Companies' Office search and found out that the plumbing business is not incorporated and the individual carries on business as a sole proprietor under the business name Best Plumbing.

FILE NO. S/C 11-01-00003

**THE QUEEN'S BENCH**

Winnipeg Centre

**(Form 76A)**

BETWEEN:	234567 Manitoba Ltd.	AND	Watertight Plumbing Supplies
	c.o.b. as Watertight Plumbing Supplies		678 Any Avenue
	678 Any Avenue		Winnipeg, MB
	Winnipeg, MB		R2B 3C4
	R2B 3C4		

claimants

-and-

Robert Bessed	AND	Best Plumbing
c.o.b. as Best Plumbing		123 Leaky Street
111-222 First Avenue		Winnipeg, MB
Winnipeg, MB		R3G 5V3
R2C 3D4		

defendants

**SMALL CLAIM**

**Manitoba Small Claims Court**  
**Sample Claims/Counterclaims**

**Sample 4 – claim by an owner and driver against a driver and the City of Winnipeg regarding a motor vehicle accident**

You are 19 years old and were driving a car registered in your father's name. You were in a motor vehicle accident with a Winnipeg Transit bus. The Manitoba Public Insurance Corporation has found you, the driver, 100% at fault and your father, the owner, has to pay the \$200 deductible. You want to make a claim for the \$200 deductible and you want the court to find that the Winnipeg Transit bus driver was 100% at fault for the accident.

**NOTE:** If you are making a claim about whether you are at fault for a car accident, you must deliver a copy of the claim in person or by registered mail to the Manitoba Public Insurance Corporation either at the MPI Legal Department, at the 8<sup>th</sup> floor–234 Donald Street, P.O. Box 6300, Winnipeg, MB, R3C 4A4 or to an MPI Service Centre in Manitoba (For a listing of MPI Service Centres in Manitoba please go to: <http://www.mpi.mb.ca/en/Reg-and-Ins/Registration/Pages/reg-service-outlet.aspx> ).

FILE NO. S/C 11-01-00004

**THE QUEEN'S BENCH**

Winnipeg Centre

(Form 76A)

BETWEEN:	Bert Wheeler (driver) 123 Anywhere Road Winnipeg, MB R6T 2R2	AND	Ernie Wheeler (owner) 123 Anywhere Road Winnipeg, MB R6T 2R2
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claimants

-and-

Kerr Trolley (driver) 456 Storm Drive P.O. Box 100000 R.M. of West St. Paul, MB R9K 4L4	AND	The City of Winnipeg (owner) 510 Main Street Winnipeg, MB R3B 1B9 Attention: City Clerk
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defendants

**SMALL CLAIM**

**Manitoba Small Claims Court**  
**Sample Claims/Counterclaims**

**Sample 5 – claim against a partnership**

You hired a business to install flooring in your home and the business did not complete the job, although you paid in full for the materials and labour. The flooring business is carried out by a mother and son partnership in the firm name "Flooring Experts".

You may bring the claim against the name of the partnership only, in which case you must serve any member of the partnership, or you may bring the claim against the partnership and name all the partners as individual defendants, in which case you must serve all the named defendants. (You may need legal advice on when it is appropriate to proceed against the partnership in the firm's name only, or when it is appropriate to name the partners personally.)

In this sample, the claimant has named the partnership and the two individual partners as defendants.

FILE NO. S/C 11-06-00005

**THE QUEEN'S BENCH**

St. Boniface Centre

**(Form 76A)**

BETWEEN: Theodore E. Behr,  
789 Main Street  
Winnipeg, MB  
R1A 2B3

claimant

-and-

Flooring Experts  
543 Some Road  
Winnipeg, MB  
R4L 3M3

AND

James Would  
345 Busy Street  
Winnipeg, MB  
R2L 2M2

AND

Mary Would  
345 Busy Street  
Winnipeg, MB  
R2L 2M2

defendants

**SMALL CLAIM**